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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,565	11/15/2001	Anja Drucks	100718- / Beiersdorf 749-	2712
27384	7590	11/17/2005	EXAMINER	
NORRIS, MCLAUGHLIN & MARCUS, PA 875 THIRD AVENUE 18TH FLOOR NEW YORK, NY 10022			KIM, JENNIFER M	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,565	DRUCKS ET AL	
	Examiner	Art Unit	
	Jennifer Kim	1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/25/2005 has been entered.

Applicant's election with traverse of Group I, claims 3 and 5-18 is acknowledged. The traversal is on the ground(s) that there is no serious search burden on the Examiner to search both inventions. This is not found persuasive because the claims are drawn to distinct, independent inventions because the product as claimed can be used to in materially different process of using that product since the product can be use as an adhesive type for cables and acquired different classification. Therefore, a great search burden would place on the search relating to different classification, especially required non-patent literature search. Therefore the restriction requirement made on the previous Office Action is deemed proper and made final.

Accordingly, claims 19 and 20 are withdrawn from consideration since they are non-elected invention.

Art Unit: 1617

Applicant's arguments with respect to claims 3 and 5-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albien et al. (U.S. Patent No. 4,818,594).

Albien et al. teach a **consolidated nonwoven** water and oil **wipe** fabric prepared by a process comprising the nonwoven fabric is consolidated by means of water jets, and during or immediately after this **water-jet consolidation** a wetting agent is applied in a wet-in-water procedure. (column 2, lines 5-10, claim 4). Albien et al. teach the **water-jet consolidation** entangles and post-stretches the spun fibers and/or filaments within the nonwoven fabric producing additional active surface for the absorption of **water** and/or substances with **oleophilic and/or lipophilic properties**, improving strength properties of nonwoven fabric while at the same time reducing raveling loss (abrasion) and improving textile drape, feel and softness in the final form of the fabric. (column 3, lines 33-40). Albien et al. teach substances with oleophilic and/or lipophilic properties which are **absorbable** by the inventive nonwoven fabric include, for example,

Art Unit: 1617

oils, such as mineral oils or **silicone oils**, fats or their mixtures. (column 3, lines 22-26).

Albien et al. teach nonwoven fabric such as **polyamides** can be employed in the process. (column 2, lines 5-14, column 3, lines 5-10). Albien et al. teaches the consolidated nonwoven fabrics produced according to the procedure improved strength characteristics. (column 5, lines 20-24). Albien et al. teach that surfactants can be placed on the fabric. (column 3, lines 40-52).

Albien et al. do not expressly teach the viscosity of impregnation solution less than 2000mPa's and comparison of the thickness of impressed nonwoven compared to nonwoven not been impressed set forth in claim 15, the machine direction and cross direction and cosmetic or dermatological auxiliaries set forth in claim 7.

It would have been obvious to one of ordinary skill in the art that the viscosity of same impregnated solution (silicone oil or water) taught by Albien et al. would have same viscosity as claimed because the compound and its chemical property such as viscosity is inseparable and that Albien et al. teach that silicone oil or water can be absorbed (impregnated) by Albien's wipe. The cosmetic or dermatological wipe claimed by the Applicants' would obviously be achieved upon the employment of the wipe taught by Albien to absorb the silicone or water as taught by Albien et al. as well as the thickness of the wipe upon absorption of the same impregnated solution (silicone or water). Applicants' recitation of the machine direction indicating length of a fabric in the direction in which it is produced and the cross direction which indicates the width of fabric which is a direction generally perpendicular to the machine direction is obvious because one of ordinary skill in the art to optimize the machine direction and the cross

Art Unit: 1617

direction to optimize the tear strength of the fabric. Further, the formulations, e.g., microemulsion, etc; cosmetic or dermatological auxiliaries, additives are all deemed obvious since they are all within the knowledge of the skilled pharmacologist and represent conventional formulations and modes of administration.

For these reasons the claimed subject matter is deemed to fail to patentably distinguish over the state of the art as represented by the cited references. The claims are therefore properly rejected under 35 U.S.C. 103.

None of the claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Kim whose telephone number is 571-272-0628. The examiner can normally be reached on Monday through Friday 6:30 am to 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sreenivasan Padmanabhan
Supervisory Examiner
Art Unit 1617

Jmk
November 7, 2005